HIGH COURT OF UTTARANCHAL AT NAINITAL

COURT NO. 2

Writ Petition NO. 1230 (M/B)2003

Deen Dayal S/o Late Sri Sawal Ram,
R/o Shop No. 51, Central market Kalagarh,
Distt. Pauri Garhwal. **…..** Petitioner

Vs.

Department of Forests,
And four others. …Respondents

Hon'ble P.C. Verma, A.C.J.,
Hon'ble Rajesh Tandon, J.

This Public Interest Litigation has been field by the petitioner for modification, amendment or recalling the order dated 04.08.1999 passed by the Allahabad High Court in Public Interest Petition No. 2157(M/B) 1999. Further with a prayer for direction to the Forests Department of State of Uttaranchal to surrender the land and other immovable properties re-possessed by them from the Department of Irrigation.

Heard Sri Shams Khwaja, learned counsel for the petitioner as well as learned Chief Standing Counsel.

The petitioner is an allottee of the respondents' shop, to which the State Govt. is holding the ownership. Renewal of the shop by the State Govt. is also pending. The petitioner being a licensee and is an interested person, which has been admitted by the writ petitioner, the present writ petition is not maintainable.

The Public Interest Petition at the behest of the interested person is not maintainable. Therefore, we are not inclined to interfere under Article 226 of Constitution of India.

The writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.) **(P.C. Verma, A.C.J.)**

Dt. 31.12.2003.
NCM: